

RESOLUTION FAL.5(24)

adopted on 11 January 1996

**ADOPTION OF AMENDMENTS TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED****THE FACILITATION COMMITTEE**

RECALLING article VII(2)(a) of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, hereinafter referred to as "the Convention", concerning the procedure for amending the Annex to the Convention,

RECALLING FURTHER the functions which the Convention confers upon the Facilitation Committee for the consideration and adoption of amendments to the Convention;

HAVING CONSIDERED, at its twenty-fourth session, amendments to the Annex to the Convention proposed and circulated in accordance with article VII(2)(a) thereof,

1. **ADOPTS**, in accordance with article VII(2)(a) of the Convention, the amendments to the Convention, the text of which is set out in the Annex to the present resolution;

2. **DETERMINES**, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 May 1997 unless, prior to 1 February 1997 at least one third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;

3. **REQUESTS** the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the Annex to all Contracting Governments;

4. **FURTHER REQUESTS** the Secretary-General to notify all signatory Governments of the adoption and entry into force of the said amendments.

ANNEX

AMENDMENTS TO THE ANNEX TO THE CONVENTION ON FACILITATION
OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED

1 Section 2 - ARRIVAL, STAY AND DEPARTURE OF THE SHIP:

1 Recommended Practice 2.7.4 is amended to read:

"2.7.4 Recommended Practice. A list compiled by the shipowners for their own use should be accepted in place of the Passenger List, provided it contains at least the information required in accordance with Recommended Practice 2.7.3 and is dated and signed or authenticated in accordance with Standard 2.7.5."

2 A new note is added to Standard 2.7.6, which reads:

"Note: Notification of stowaways can be made, for example, by a notation in the "Remarks" area of the General Declaration or by using a Passenger or a Crew List, with the title amended to "stowaway list"."

2 Section 6 - MISCELLANEOUS PROVISIONS:

Recommended practice 6.12 is amended to read:

"6.12 Recommended Practice. Each Contracting Government should establish a national maritime transport facilitation committee or a similar national co-ordinating body, for the encouragement of the adoption and implementation of facilitation measures, between governmental departments, agencies and other organizations concerned with, or responsible for, various aspects of international maritime traffic, as well as port authorities and shipowners."

Note: In establishing a national maritime transport facilitation committee or a similar national co-ordinating body, Contracting Governments are invited to take into account the guidelines set out in FAL.5/Circ.2."

3 Section 4 - PRE-IMPORT INFORMATION

Recommended Practice 4.7 is amended to read:

"4.7 Recommended Practice. Public authorities should develop procedures, which may include electronic data interchange (EDI), to allow for the submission of advance information prior to arrival of cargo to enable selectivity techniques, including risk analysis to be used to facilitate customs clearance."

4 Section 3 - CRUISE PASSENGERS

Standard 3.32 is amended to read:

"3.32 Standard. Cruise passengers shall not normally be required to provide a written declaration for their personal effects. However, in the case of articles which involve a high amount of customs duties and other taxes and charges, a written declaration and a security may be required."

5 Section 3 - INADMISSIBLE PERSONS

New Standards are added to read:

- 1 "3.3.2 Standard. Contracting Governments shall accept for examination a person being returned from his point of disembarkation after having been found inadmissible if this person had embarked in their territory. Contracting Governments shall not return such a person to the country where he was earlier found to be inadmissible.

Note 1: This provision is not intended to prevent public authorities from further examining a returned inadmissible person to determine his eventual acceptability in the State or make arrangements for his transfer, removal or deportation to a State of which he is a national or where he is otherwise acceptable. Where a person who has been found to be inadmissible has lost or destroyed his travel document, a Contracting Government will accept instead a document attesting to the circumstances of embarkation and arrival issued by the public authorities of the Contracting Government where the person was found to be inadmissible.

Note 2: Nothing in this Standard or in Note 1 is to be construed as contradicting the provisions of the United Nations Convention Relating to the Status of Refugees of 28 July 1951 and the United Nations Protocol Relating to the Status of Refugees of 31 January 1967, which concern the prohibition of the expulsion or return of a refugee."

- 2 "3.3.3 Standard. The obligation of a shipowner to transport any person away from the territory of a State shall terminate from the moment such a person has been definitely admitted into that State."
- 3 "3.3.4 Standard. Contracting Governments and shipowners shall co-operate, where practicable, to establish the validity and authenticity of passports and visas."

6 Section 3 - IMMIGRATION PRE-ARRIVAL CLEARANCE

A new Recommended Practice is added to read:

"3.49 Recommended Practice. Public authorities should provide a system of pre-arrival clearance to allow the crew of ships which call regularly at their ports to obtain advance approval for temporary shore leave. Where a ship has no adverse immigration record and is locally represented by a shipowner or a reputable agent of the shipowner, the public authorities should normally, after satisfactory consideration of such pre-arrival particulars as they may require, permit the ship to proceed directly to its berth and be subject to no further routine immigration formalities, unless otherwise required by the public authorities."